



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/714,510

11/14/2003

Thomas M. Sauter

KCOS121897

9834

26389 7590 06/27/2007

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,510	SAUTER, THOMAS M.	
	Examiner	Art Unit	
	Frank Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) 4-14, 21 and 22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 and 29 is/are allowed.
- 6) ☒ Claim(s) 1, 17, 19, 23, 27, 28, 30 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 15, 16 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Application

1. Applicant's amendment, filed April 12, 2007, has been entered in the application. Claims 1-17 and 19-30 are pending, with claims 4-14, 21 and 22 withdrawn from consideration. Claim 30 is newly added.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 17, 19, 23, 27, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Laughlin (US 5,692,765, cited previously). Laughlin teaches a binding having a toe strap (16) with a movable end (70) allowing it to be lengthened and shortened, and connected to a first linkage (56), an ankle strap (18) having a movable end (72) connected to a linkage (58) to allow it to be lengthened and shortened, the linkages being different sub-linkages connected to one another (by 32) forming a single composite linkage, an operable fastening device (57 or 74) on either the toe or ankle strap, wherein a moving of the fastener allows a lengthening or shortening of the respective strap (i.e., by manual motion), wherein a moving of one fastener (57 or 74) to shorten one strap (e.g., by the operation of 32, 34), causes a corresponding shortening of the other strap, wherein the connection of the linkages (at 32) allows lengthening of the other of the straps - e.g., a lengthening motion exerted on a fastener (57 or 74) with the connecting element between the linkages (32, 34) in a non-locked condition causes a corresponding lengthening motion of the connecting element (i.e., 34 moves down) causing multiple linkage portions to travel, allowing a lengthening in the other of the linkages (56, if 74 is moved, or 58 if 70 is moved), wherein the linkage comprises cables.

Allowable Subject Matter

4. Claims 24-26 and 29 are allowed.

5. Claims 2, 3, 15, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3618

Response to Comments

6. Applicant's comments, filed with the amendment, have been carefully considered. Applicant asserts that the reference to Baumgarner does not teach the limitations of the claims as now amended. The examiner agrees. Applicant additionally asserts that the reference to Laughlin does not teach the limitations of the claims as now amended. The examiner does not agree. Note that, as applicant has functionally claimed, a movement of one fastener (e.g., either 57 or 74) associated with one strap, brought about, for example, by the operation of element 32/34, also causes movement, through the linkages, of the other fastener and associated strap in a shortening mode, or allows extending of the other strap. It is the substantial breadth of applicant's recitation(s) which allows this interpretation.

Conclusion

7. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

A handwritten signature in black ink, appearing to read 'F. Vanaman', with a date '6/11/07' written below it.